

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0400-AIR-E TCEQ ID: RN100209931 CASE NO.: 33001
RESPONDENT NAME: Bayer MaterialScience LLC

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Bayer MaterialScience Baytown Plant, 8500 West Bay Road, Baytown, Chambers County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney/SEP Coordinator: None</p> <p>TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, R-12, (713) 767-3629; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468</p> <p>Respondent: Mr. James Newport, Plant Manager, Bayer MaterialScience LLC, 8500 West Bay Road, Baytown, Texas 77520</p> <p>Mr. Eric S. Hoffman, Interim Plant Manager, Bayer MaterialScience LLC, 8500 West Bay Road, Baytown, Texas 77520</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 3, 2007</p> <p>Date of NOE Relating to this Case: March 2, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. Three violations were documented.</p> <p>AIR</p> <p>1) Failure to seal open-ended lines in VOC service. Specifically, Bayer discovered and reported a total of ninety-three open-ended lines that were in VOC service during the time period of October 1, 2005 to September 30, 2006 [30 TEX. ADMIN. CODE §§ 122.143(4), 115.352(4), 116.115(c), Air Permit No. O-02101, Special Terms and Conditions No.11, Air Permit No. 1849A, Special Condition ("SC") No.4E, Air Permit No. 2005, SC No. 3C, Air Permit No. 2033, SC No. 9E, Air Permit No. 26246, SC No. 9E, Air Permit No. 29481, SC No. 7E, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.167(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a total concentration of 20 parts per million volume, as stated in the April 28, 2006 deviation report. Specifically, there were eleven deviations which occurred between October 5, 2005, and January 23, 2006, lasting for a total of sixteen hours and releasing approximately 8,061 pounds ("lbs") of carbon monoxide, 116.28 lbs of chlorobenzene and 28.77 lbs of ortho dichlorobenzene from the incinerator at Unit FV11514600 [30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 63.113(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$38,233</p> <p>Total Deferred: \$7,646 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$30,587</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. In order to ensure that the issue of open-ended lines is addressed, on October 3, 2006, Leak Detection and Repair ("LDAR") training was conducted and a procedure to enforce the LDAR program every other month was implemented;</p> <p>b. On December 7, 2005, the flame scanner parts, which caused the incinerator FV 11514600 to malfunction were replaced; and</p> <p>c. On April 26, 2006, the interface data system that collected and recorded data from the flow indicator from the hydrogen chloride incinerator was repaired and the problem that led to data loss was corrected.</p>

<p>3) Failure to collect and record data from flow indicator on the hydrogen chloride incinerator at Unit FV 11514600 from 8:14 A.M. to 9:14 A.M. on April 26, 2006. The data from this indicator is required to be monitored and recorded continuously [30 TEX. ADMIN. CODE § 101.20(2), 40 CFR §§ 63.114(d)(1) and 63.152(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES

Assigned

5-Mar-2007

PCW

10-May-2007

Screening

6-Mar-2007

EPA Due

27-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent Bayer MaterialScience LLC

Reg. Ent. Ref. No. RN100209931

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 33001

Docket No. 2007-0400-AIR-E

Media Program(s) Air Quality

Multi-Media

No. of Violations 3

Order Type 1660

Enf. Coordinator Nadia Hameed

EC's Team EnforcementTeam 6

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$22,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 98% Enhancement **Subtotals 2, 3, & 7** \$21,658

Notes

Penalty enhancement due to seventeen same or similar NOV's, and eight non-similar NOV's of which four were Discharge Monitoring Reports (DMRs). Reduction for one notice of audit, and one violation disclosure.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$5,525

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent came into compliance on October 3, 2006.

Total EB Amounts \$75
Approx. Cost of Compliance \$2,900

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$38,233

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$38,233

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$38,233

DEFERRAL

20%

Reduction

Adjustment -\$7,646

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$30,587

Screening Date 6-Mar-2007

Docket No. 2007-0400-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 33001

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209931

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 98%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to seventeen same or similar NOV's, and eight non-similar NOV's of which four were Discharge Monitoring Reports (DMRs). Reduction for one notice of audit, and one violation disclosure.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 98%

Screening Date 6-Mar-2007

Docket No. 2007-0400-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 33001

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209931

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 115.352(4), 116.115(c), Air Permit No. O-02101, Special Terms and Conditions No.11, Air Permit No. 1849A, Special Condition ("SC") No.4E, Air Permit No. 2005, SC No. 3C, Air Permit No. 2033, SC No. 9E, Air Permit No. 26246, SC No. 9E, Air Permit No. 29481, SC No. 7E, 40 Code of Federal Regulations ("CFR") § 60.167(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to seal open-ended lines in VOC service, as documented during an investigation conducted on January 3, 2007. Specifically, Bayer discovered and reported a total of ninety-three open-ended lines that were in VOC service during the time period of October 1, 2005 to September 30, 2006 .

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment may have been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

93 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Two single events (one event per reporting period) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$3,460

This violation Final Assessed Penalty (adjusted for limits) \$3,460

Economic Benefit Worksheet

Respondent Bayer MaterialScience LLC
Case ID No. 33001
Reg. Ent. Reference No. RN100209931
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Dec-2005	3-Oct-2006	0.8	\$61	n/a	\$61
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to retrain LDAR operators. Date required is the start date of the deviation. Final date is the date the corrective action measures were implemented to prevent the recurrence of this non-compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

-\$1,500

TOTAL

\$61

Screening Date 6-Mar-2007

Docket No. 2007-0400-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 33001

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209931

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.20(2), 40 CFR § 63.113(a)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a total of concentration of 20 parts per million volume, as stated in the April 28, 2006 deviation report. Specifically, there were eleven deviations which occurred between October 5, 2005, and January 23, 2006, lasting for a total of sixteen hours and releasing approximately 8,061 pounds ("lbs") of carbon monoxide, 116.28 lbs of chlorobenzene and 28.77 lbs of ortho dichlorobenzene from the incinerator at Unit FV11514600.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 4

8 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$20,000

Four monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$34,600

This violation Final Assessed Penalty (adjusted for limits) \$34,600

Economic Benefit Worksheet

Respondent Bayer MaterialScience LLC
Case ID No. 33001
Reg. Ent. Reference No. RN100209931
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,200	5-Oct-2005	7-Dec-2005	0.2	\$1	\$14	\$14
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the corrective actions at the plant. Date required is the date of the initial non-compliance. Final date is the date the corrective actions to prevent recurrence of this non-compliance were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,200

TOTAL

\$14

Screening Date 6-Mar-2007

Docket No. 2007-0400-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 33001

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209931

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.20(2), 40 CFR §§ 63.114(d)(1) and 63.152(f)(1), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to collect and record data from flow indicator on the hydrogen chloride incinerator at Unit FV 11514600 from 8:14 A.M. to 9:14 A.M. on April 26, 2006, as documented during an investigation conducted on January 3, 2007. The data from this indicator is required to be monitored and recorded continuously.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Less than 30 percent of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$173

This violation Final Assessed Penalty (adjusted for limits) \$173

Economic Benefit Worksheet

Respondent Bayer MaterialScience LLC
Case ID No. 33001
Reg. Ent. Reference No. RN100209931
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	26-Apr-2006	26-Apr-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair data recording system. Date required is the start date of the deviation. Final date is the date the repair was completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601544042	Bayer Materialsience LLC	Classification: AVERAGE	Rating: 0.57
Regulated Entity:	RN100209931	BAYER MATERIAL SCIENCE BAYTOWN PLANT	Classification: AVERAGE	Site Rating: 0.
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0016S	
	AIR OPERATING PERMITS	PERMIT	1390	
	AIR OPERATING PERMITS	PERMIT	2100	
	AIR OPERATING PERMITS	PERMIT	2101	
	AIR OPERATING PERMITS	PERMIT	2102	
	AIR OPERATING PERMITS	PERMIT	2103	
	AIR OPERATING PERMITS	PERMIT	2104	
	AIR OPERATING PERMITS	PERMIT	2105	
	AIR OPERATING PERMITS	PERMIT	2106	
	AIR OPERATING PERMITS	PERMIT	2529	
	AIR OPERATING PERMITS	PERMIT	2105	
	AIR OPERATING PERMITS	PERMIT	2106	
	WASTEWATER	PERMIT	WQ0001499000	
	WASTEWATER	PERMIT	WQ0001499000	
	WASTEWATER	PERMIT	TX0002798	
	AIR NEW SOURCE PERMITS	PERMIT	32678	
	AIR NEW SOURCE PERMITS	PERMIT	32679	
	AIR NEW SOURCE PERMITS	PERMIT	32835	
	AIR NEW SOURCE PERMITS	PERMIT	32889	
	AIR NEW SOURCE PERMITS	PERMIT	32017	
	AIR NEW SOURCE PERMITS	PERMIT	33384	
	AIR NEW SOURCE PERMITS	PERMIT	32469	
	AIR NEW SOURCE PERMITS	PERMIT	33665	
	AIR NEW SOURCE PERMITS	PERMIT	33446	
	AIR NEW SOURCE PERMITS	PERMIT	34017	
	AIR NEW SOURCE PERMITS	PERMIT	33931	
	AIR NEW SOURCE PERMITS	PERMIT	34529	
	AIR NEW SOURCE PERMITS	PERMIT	35148	
	AIR NEW SOURCE PERMITS	PERMIT	35748	
	AIR NEW SOURCE PERMITS	PERMIT	36361	
	AIR NEW SOURCE PERMITS	PERMIT	36819	
	AIR NEW SOURCE PERMITS	PERMIT	38737	
	AIR NEW SOURCE PERMITS	PERMIT	39943	
	AIR NEW SOURCE PERMITS	PERMIT	39205	
	AIR NEW SOURCE PERMITS	PERMIT	39221	
	AIR NEW SOURCE PERMITS	PERMIT	39305	
	AIR NEW SOURCE PERMITS	PERMIT	38197	
	AIR NEW SOURCE PERMITS	PERMIT	40214	
	AIR NEW SOURCE PERMITS	PERMIT	41110	
	AIR NEW SOURCE PERMITS	PERMIT	41954	
	AIR NEW SOURCE PERMITS	PERMIT	42933	
	AIR NEW SOURCE PERMITS	PERMIT	43879	
	AIR NEW SOURCE PERMITS	PERMIT	44256	
	AIR NEW SOURCE PERMITS	PERMIT	44965	
	AIR NEW SOURCE PERMITS	PERMIT	46087	
	AIR NEW SOURCE PERMITS	PERMIT	46547	
	AIR NEW SOURCE PERMITS	PERMIT	47933	
	AIR NEW SOURCE PERMITS	PERMIT	47877	
	AIR NEW SOURCE PERMITS	PERMIT	48388	
	AIR NEW SOURCE PERMITS	PERMIT	49695	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0016S	
	AIR NEW SOURCE PERMITS	PERMIT	15373	
	AIR NEW SOURCE PERMITS	PERMIT	1837	
	AIR NEW SOURCE PERMITS	PERMIT	1933	
	AIR NEW SOURCE PERMITS	PERMIT	1978	
	AIR NEW SOURCE PERMITS	PERMIT	1978A	
	AIR NEW SOURCE PERMITS	PERMIT	2005	
	AIR NEW SOURCE PERMITS	PERMIT	2006A	
	AIR NEW SOURCE PERMITS	PERMIT	2006B	
	AIR NEW SOURCE PERMITS	PERMIT	2033E	
	AIR NEW SOURCE PERMITS	PERMIT	2035A	
	AIR NEW SOURCE PERMITS	PERMIT	2117	
	AIR NEW SOURCE PERMITS	PERMIT	2141	

AIR NEW SOURCE PERMITS	PERMIT	6177
AIR NEW SOURCE PERMITS	PERMIT	6391
AIR NEW SOURCE PERMITS	PERMIT	6392
AIR NEW SOURCE PERMITS	PERMIT	7503
AIR NEW SOURCE PERMITS	PERMIT	7870
AIR NEW SOURCE PERMITS	PERMIT	7997
AIR NEW SOURCE PERMITS	PERMIT	10789
AIR NEW SOURCE PERMITS	PERMIT	10813
AIR NEW SOURCE PERMITS	PERMIT	11261
AIR NEW SOURCE PERMITS	PERMIT	11635
AIR NEW SOURCE PERMITS	PERMIT	13916
AIR NEW SOURCE PERMITS	PERMIT	13917
AIR NEW SOURCE PERMITS	PERMIT	14068
AIR NEW SOURCE PERMITS	PERMIT	14776
AIR NEW SOURCE PERMITS	PERMIT	15808
AIR NEW SOURCE PERMITS	PERMIT	17110
AIR NEW SOURCE PERMITS	PERMIT	18033
AIR NEW SOURCE PERMITS	PERMIT	7877A
AIR NEW SOURCE PERMITS	PERMIT	20153
AIR NEW SOURCE PERMITS	PERMIT	22197
AIR NEW SOURCE PERMITS	PERMIT	23001
AIR NEW SOURCE PERMITS	PERMIT	25130
AIR NEW SOURCE PERMITS	PERMIT	28737
AIR NEW SOURCE PERMITS	PERMIT	30638
AIR NEW SOURCE PERMITS	PERMIT	31256
AIR NEW SOURCE PERMITS	PERMIT	31683
AIR NEW SOURCE PERMITS	PERMIT	32646
AIR NEW SOURCE PERMITS	PERMIT	52342
AIR NEW SOURCE PERMITS	PERMIT	53004
AIR NEW SOURCE PERMITS	PERMIT	52109
AIR NEW SOURCE PERMITS	REGISTRATION	55162
AIR NEW SOURCE PERMITS	REGISTRATION	75401
AIR NEW SOURCE PERMITS	REGISTRATION	54702
AIR NEW SOURCE PERMITS	AFS NUM	4807100009
AIR NEW SOURCE PERMITS	REGISTRATION	70871
AIR NEW SOURCE PERMITS	REGISTRATION	70975
AIR NEW SOURCE PERMITS	PERMIT	54695
AIR NEW SOURCE PERMITS	PERMIT	52086
AIR NEW SOURCE PERMITS	PERMIT	54700
AIR NEW SOURCE PERMITS	REGISTRATION	76915
AIR NEW SOURCE PERMITS	REGISTRATION	79855
PETROLEUM STORAGE TANK	REGISTRATION	75002
REGISTRATION		
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30603
GENERATION		
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD058260977
GENERATION		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
STORAGE		
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30603
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
POST CLOSURE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
COMPLIANCE PLANS		

Location: 8500 W. BAY RD, BAYTOWN, TX, 77520 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 05, 2002 to March 05, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

Yes

3. If Yes, who is the current owner?

Bayer Corporation

Bayer Materialscience, LLC.

Lanxess Corportation

Bayer Materialscience LLC.

4. if Yes, who was/were the prior owner(s)?

Bayer Corporation

Bayer Chemicals Corporation

5. When did the change(s) in ownership occur?

03/05/2003

07/01/2004

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/05/2002	(143227)
2	03/21/2002	(155553)
3	03/26/2002	(143228)
4	04/02/2002	(143229)
5	04/12/2002	(143230)
6	04/22/2002	(155559)
7	05/01/2002	(143231)
8	05/03/2002	(143232)
9	05/16/2002	(143233)
10	05/21/2002	(155564)
11	05/30/2002	(143234)
12	06/27/2002	(155568)
13	07/16/2002	(3026)
14	07/26/2002	(155572)
15	08/14/2002	(6881)
16	08/19/2002	(155576)
17	09/23/2002	(12298)
18	09/26/2002	(155579)
19	09/26/2002	(12582)
20	10/28/2002	(155583)
21	10/28/2002	(155580)
22	11/26/2002	(155588)
23	11/26/2002	(155585)
24	12/27/2002	(155593)
25	12/27/2002	(155590)
26	01/23/2003	(22356)
27	01/23/2003	(155598)
28	01/23/2003	(155595)
29	02/24/2003	(155551)
30	03/14/2003	(22299)
31	03/21/2003	(155554)
32	04/22/2003	(155560)
33	04/22/2003	(155556)
34	05/23/2003	(155561)
35	05/23/2003	(155565)
36	06/01/2003	(450869)
37	06/20/2003	(155569)
38	07/22/2003	(155573)

39	07/22/2003	(155570)
40	08/19/2003	(294403)
41	09/18/2003	(294405)
42	09/19/2003	(247865)
43	10/20/2003	(294401)
44	10/20/2003	(294408)
45	11/19/2003	(294409)
46	11/30/2003	(250002)
47	12/18/2003	(294410)
48	01/20/2004	(294412)
49	02/23/2004	(294392)
50	03/19/2004	(294394)
51	04/21/2004	(294395)
52	05/25/2004	(294397)
53	06/04/2004	(267646)
54	06/07/2004	(270945)
55	06/21/2004	(294399)
56	06/23/2004	(275422)
57	06/29/2004	(258331)
58	07/20/2004	(258314)
59	07/21/2004	(258315)
60	07/21/2004	(258310)
61	07/30/2004	(258333)
62	08/16/2004	(258329)
63	08/24/2004	(351678)
64	09/01/2004	(291513)
65	09/01/2004	(291516)
66	09/20/2004	(351679)
67	10/22/2004	(351680)
68	10/22/2004	(351682)
69	11/16/2004	(337556)
70	11/22/2004	(333490)
71	11/23/2004	(351681)
72	12/20/2004	(381660)
73	01/03/2005	(343305)
74	02/08/2005	(381658)
75	03/22/2005	(381659)
76	04/12/2005	(376712)
77	04/19/2005	(440598)
78	05/17/2005	(440599)
79	05/26/2005	(393534)
80	06/23/2005	(440600)
81	07/07/2005	(394069)
82	07/07/2005	(394317)
83	07/14/2005	(396158)
84	07/25/2005	(440601)
85	08/04/2005	(401277)
86	08/05/2005	(400358)
87	08/19/2005	(400355)
88	08/23/2005	(440602)
89	08/31/2005	(407287)
90	09/23/2005	(440603)
91	10/25/2005	(468059)
92	10/25/2005	(468060)
93	11/22/2005	(468061)
94	12/05/2005	(468063)
95	12/19/2005	(468062)
96	12/21/2005	(438746)
97	02/15/2006	(438764)
98	02/22/2006	(468056)
99	03/09/2006	(433319)
100	03/14/2006	(468057)
101	03/14/2006	(454965)
102	04/05/2006	(468058)
103	05/01/2006	(463114)

104	05/11/2006	(462169)
105	05/22/2006	(497959)
106	05/24/2006	(461566)
107	06/19/2006	(497960)
108	07/20/2006	(460769)
109	08/03/2006	(486550)
110	08/18/2006	(465994)
111	09/01/2006	(485127)
112	09/19/2006	(512304)
113	10/23/2006	(519973)
114	10/23/2006	(519974)
115	12/21/2006	(517975)
116	01/19/2007	(517978)
117	01/31/2007	(532639)
118	03/02/2007	(532758)
119	03/02/2007	(532638)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	04/15/2002	(143230)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.353			
Description:	ALT CNTRL REQUIREMENTS			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP12			
Description:	PERMIT SPECIAL CONDITI			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130			
Description:	FL BE COMPLIANCE DATE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6[G]			
Description:	NOTIFICATION MAJ UPSET			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	PERMIT SPECIAL CONDITI			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130			
Description:	COMPLIANCE DATE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130			
Description:	COMPLIANCE DATE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)			
Description:	NSPS STANDARDS			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(3)			
Description:	REFINERY FUGTV CNTRL			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.355[G]			
Description:	VOC LEAKS TESTING			
Self Report?	NO		Classification	Moderate
Description:	VOC COUNTY COMPL DATES			
Date	05/06/2002	(143232)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP7			
Description:	PERMIT SPECIAL CONDITI			
Date	05/30/2002	(143234)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP3A			
Description:	PERMIT SPECIAL CONDITIO			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP3B			
Description:	PERMIT SPECIAL CONDITI			
Date	07/12/2002	(3026)		

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G]		
Description:	Failure to document manganese oxide correction results.		
Date	03/14/2003 (22299)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G] 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to control HMDA emissions within the permit limits.		
Date	06/01/2003 (155570)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2004 (294401)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/01/2004 (258331)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PA 2006 SC 10(E)		
Description:	Failure to plug open-ended valve or line.		
Date	07/22/2004 (258310)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	PERMIT 1978 OP O-02105		
Description:	Failure to seal open-ended lines.		
Date	07/22/2004 (258315)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
Rqmt Prov:	PERMIT 18033, Special Condition 2(E) PERMIT 22197, Special Condition 10(E) PERMIT 32679, Special Condition 7(E) OP O-02102		
Description:	Failure to seal open-ended lines.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	PERMIT 32835 OP O-02102		
Description:	Invalid monthly sample analysis.		
Date	07/31/2004 (351678)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/18/2004 (258329)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP O-02101 PA Permit No. 1849A SC No. 4E PA Permit No. 2033A SC No. 9E PA Permit No. 26246 SC No. 9E PA Permit No. 29481 SC No. 7E		
Description:	RE failed to plug the open-ended valves or lines.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)		
Rqmt Prov:	OP O-02101 Special Condition No. 1E		
Description:	Regulated Entity failed to maintain hourly records of the flow meter on the bypass line.		

Date	01/04/2005	(343305)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(g) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT TCEQ Air Permit No. T-18033			
Description:	Bayer failed to comply with 30 TAC 101.222(b).			
Date	02/28/2005	(381659)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter			
Date	07/08/2005	(394069)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 32835, SC 9 OP O-02102, SC 7			
Description:	Failure to conduct May 2004 ammonia slip test on CTO.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)			
Rqmt Prov:	PERMIT 18033, SC 2E PERMIT 22197, SC 10E PERMIT 32678, SC 3E PERMIT 32679, SC 7E OP O-02102, SC 1A & SC 7			
Description:	Failure to seal open-ended lines.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)			
Description:	Incomplete deviation reports.			
Date	07/08/2005	(394317)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 34017, SC 12E OP O-02103, SC 1A & SC 5			
Description:	Failure to seal open-ended lines			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 34017, SC 17D OP O-02103, SC 5			
Description:	Failure to record liquid flowrate in the caustic fume scrubber			
Date	07/15/2005	(396158)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)			
Description:	Incomplete deviation reports.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 20153, SC 10E OP O-02106, SC 1A & SC 9			
Description:	Missing plugs on open-ended lines.			
Date	08/04/2005	(401277)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT 35148 Special Condition 3 A			
Description:	Failure to keep CO emissions within the 100 ppm allowable limit on August 19, 2004 from 22:00 to 23:00.			
Date	08/05/2005	(400358)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			

Rqmt Prov: PERMIT # 2006A Special Condition 10E
 Description: Failure to ensure that all open ended lines are equipped with either a cap, blind flange or a second valve.
 Date 08/31/2005 (407287)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 Description: Failure to ensure that there are no missing caps on valves that are in VOC service.

Date 03/14/2006 (454965)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 PERMIT 22197, SC 10E
 PERMIT 32678, SC 3E
 PERMIT 32679, SC 7E
 OP O-02102, SC 7
 PERMIT T-18033, SC 2E
 Description: Failure to seal open-ended lines.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02102, SC 1E
 Description: Failed to correctly analyze the cooling water taken at the entrance and exit of the heat exchanger.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 22197, SC 8A
 OP O-02102, SC 7A
 Description: Failed to monitor, every twelve hours, the water flow rates through the scrubbers.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02102, SC 7
 PERMIT T-18033, SC 6
 Description: Failed to include the time of the inspection of components that are in low volatility service.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Description: Failed to include on the semiannual deviation reports, the failure to monitor, every twelve hours, the water flow rates through the scrubbers and the failure to include the time of the inspection of components that are in low volatility service.

Date 08/18/2006 (465994)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failed to meet the Emissions Event Reporting and Recordkeeping Requirements.

Date 12/21/2006 (517975)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to include the facility's permit number in the final report.

Date 01/31/2007 (532639)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02529, SC 12
 PA NSR Permit No. 39943, SC 7A
 Description: Failure to conduct AVO walk through record keeping at the tank farm/barge dock area.

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)
 OP FOP O-02529, SC 12
 PA NSR Permit No. 39943, SC 8E
 Description: Failure to plug 18 open-ended lines.
 Date 03/02/2007 (532758)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02104, Special Condition 8
 PERMIT NSR #2006A, Special Condition 10E
 Description: Failure to ensure that all open ended lines are equipped with either a cap, blind flange
 or a second valve.

F. Environmental audits.

Notice of Intent Date: 3/12/2002 (60350)

Disclosure Date: 10/15/2002

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A
 Description: Failed to maintain documents relating to SIR vent flare from DTA 1 unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A
 30 TAC Chapter 116, SubChapter B
 Description: Failed to repair leaks within 5 days after they were discovered.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 2035A, Special Condition 10
 Description: Failed to initiate maintenance of leaking valves.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A
 30 TAC Chapter 116, SubChapter B
 Description: Failed to designate leaking pumps as such or undertake repair activities.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A
 Description: Failed to maintain records for Instrument No. 850.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 18033, Special Condition
 Description: Failed to follow LDAR procedures as specified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter D
 Description: Failed to keep records of operating hours of several emergency generators.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 22197, Special Condition 11
 Description: Failed to test the back-up scrubber/adsorber (EPN FV05010900).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 39943, Special Condition 13A
 Description: Failed to submit alternate method for TDI sampling to TCEQ for approval.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 39943, Special Condition 13A
 Description: Failed to perform twice daily AVO inspections for the shipping operations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
 Description: Failed to authorize emissions from deisel engines for the power pumps, emergency power generators, ww storage tank
 associated w/ the MDA II unit, the HCL tank and the ammonia tank associated w/ utility opeations and wwt plant.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B
 Description: Failed to authorize emissions from several emissions points associated with the HCL unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A
 30 TAC Chapter 116, SubChapter B
 Description: Failed to document weekly inspections of agitators for the TDA I unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B
 Rqmt Prov: PERMIT 35148, Special Condition 8B
 Description: Failed to maintain records of downtimes for the CEM serving boilers No. 5 & 6, nor have downages been reported to the

TCEQ Regional Director.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Rqmt Prov: PERMIT 34017, Special Condition 7

Description: Failed to maintain required pH levels in the caustic fume scrubber.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Rqmt Prov: PERMIT 34017, Special Condition 7

Description: Failed to maintain the required flow rate through the caustic fume scrubber.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BAYER MATERIALSCIENCE LLC
RN100209931**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0400-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bayer MaterialScience LLC ("Bayer") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Bayer appear before the Commission and together stipulate that:

1. Bayer owns and operates a chemical manufacturing plant at 8500 West Bay Road in Baytown, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Bayer agree that the Commission has jurisdiction to enter this Agreed Order, and that Bayer is subject to the Commission's jurisdiction.
4. Bayer received notice of the violations alleged in Section II ("Allegations") on or about March 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bayer of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Eight Thousand Two Hundred Thirty-Three Dollars (\$38,233) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Bayer has paid Thirty Thousand Five Hundred Eighty-Seven Dollars (\$30,587) of the administrative penalty and Seven Thousand Six Hundred Forty-Six Dollars

(\$7,646) is deferred contingent upon Bayer's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Bayer fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Bayer to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Bayer have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Bayer has implemented the following corrective measures at the Plant:
 - a. In order to ensure that the issue of open-ended lines is addressed, on October 3, 2006, Leak Detection and Repair ("LDAR") training was conducted and a procedure to enforce the LDAR program every other month was implemented;
 - b. On December 7, 2005, the flame scanner parts which caused the incinerator at Unit FV 11514600 to malfunction were replaced; and
 - c. On April 26, 2006, the interface data system that collected and recorded data from the flow indicator from the hydrogen chloride incinerator was repaired and the problem that led to data loss was corrected.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Bayer has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Bayer is alleged to have:

1. Failed to seal open-ended lines in Volatile Organic Compound ("VOC") service, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 115.352(4), 116.115(c), Air Permit No. O-02101, Special Terms and Conditions No. 11, Air Permit No. 1849A, Special Condition ("SC") No. 4E, Air Permit No. 2005, SC No. 3C, Air Permit No. 2033, SC No. 9E, Air Permit No. 26246, SC No. 9E, Air Permit No. 29481, SC No. 7E, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.167(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an

investigation conducted on January 3, 2007. Specifically, Bayer discovered and reported a total of ninety-three open-ended lines that were in VOC service during the time period of October 1, 2005 to September 30, 2006.

2. Failed to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a total concentration of 20 parts per million volume, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 63.113(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as stated in the April 28, 2006 deviation report. Specifically, there were eleven deviations which occurred between October 5, 2005, and January 23, 2006, lasting for a total of sixteen hours and releasing approximately 8,061 pounds ("lbs") of carbon monoxide, 116.28 lbs of chlorobenzene and 28.77 lbs of ortho dichlorobenzene from the incinerator at Unit FV11514600 .
3. Failed to collect and record data from flow indicator on the hydrogen chloride incinerator at Unit FV 11514600 from 8:14 A.M. to 9:14 A.M. on April 26, 2006, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR §§ 63.114(d)(1) and 63.152(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 3, 2007. The data from this indicator is required to be monitored and recorded continuously.

III. DENIALS

Bayer generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Bayer pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Bayer's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bayer MaterialScience LLC, Docket No. 2007-0400-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

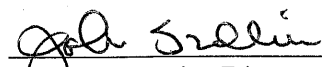
2. The provisions of this Agreed Order shall apply to and be binding upon Bayer. Bayer is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Bayer in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Bayer, or three days after the date on which the Commission mails notice of the Order to Bayer, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

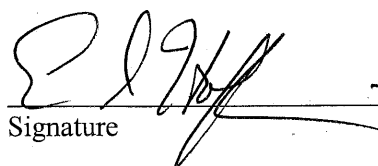
10/18/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

 for Jim Newport
Signature

5/16/07
Date

Eric S. Hoffman
Name (Printed or typed)
Authorized Representative of
Bayer MaterialScience LLC

VP CAS Manufacturing
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

76, 1979

August 1979
1979-1980

The following table shows the number of birds seen at each of the 10 sites during the 1979-1980 season. The number of birds seen at each site is given in parentheses.

Site 1 (10 birds)
Site 2 (15 birds)
Site 3 (20 birds)
Site 4 (25 birds)
Site 5 (30 birds)
Site 6 (35 birds)
Site 7 (40 birds)
Site 8 (45 birds)
Site 9 (50 birds)
Site 10 (55 birds)

The total number of birds seen at all 10 sites during the 1979-1980 season was 350. The average number of birds seen at each site was 35. The maximum number of birds seen at any one site was 55.

1979-1980

1979-1980



1979-1980

1979-1980

1979-1980

1979-1980